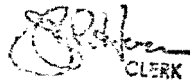


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
JAN 04 2011

CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMANUEL ROLON-COLON,
a/k/a "MANNY,

Defendant.

CR 09-40029-25

ORDER

Defendant, Emanuel Rolon-Colon, filed a motion for copies of various documents filed in this criminal case. (Doc. 1042.) Specifically, Defendant requests copies of his sentencing transcript, judgment, statement of reasons, docket sheet and plea agreement. The Court will direct the Clerk of Court to provide Defendant with copies of the judgment, docket sheet and plea agreement. Statements of Reasons are not filed in the court file, so the Court does not have a copy of that document. Furthermore, no transcript of the sentencing hearing has been prepared.

In regard to the sentencing transcript, the Eighth Circuit has held that "any request for a full transcript prior to the filing of a § 2255 complaint is premature." *United States v. Losing*, 601 F.2d 351, 351-53 (8th Cir. 1979) (affirming district court's denial of motion for records and transcript requested for purpose of eventually filing a § 2255 motion). Defendant does not explain why he is unable to prepare and file a § 2255 motion without a transcript of his sentencing hearing. Defendant was present during the guilty plea and sentencing proceedings, so he should have sufficient information to prepare and file a § 2255. If Defendant files a § 2255 motion setting forth his grounds for relief from the conviction or sentence in this case, Defendant may file another motion for the sentencing transcript explaining how the sentencing transcript will assist him in pursuing his § 2255 motion. Accordingly,

IT IS ORDERED:

1. That Defendant's Motion for Sentencing Transcript is denied without prejudice.
2. That Defendant's request for a copy of the judgment (doc. 816), docket sheet and plea agreement (doc. 692, 694 and 695), is granted, and the Clerk of Court shall send Defendant a copy of each of these documents.

Dated this 3rd day of January, 2011
~~December, 2010.~~

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

By: Jackie Messinkamer Deputy